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State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

MARK S. HERR
Director

September 15, 1998

Donald Dobrowolski, D.M.D.
445 Brick Blvd., Suite 108
Brick, New Jersey 08723-6036

Mailing Address:
P.O. Box 45005
Newark NJ 07101
(973) 504-6405

Re: Consent Order

Dear Dr. Dobrowolski:

This is in reference to a July 22, 1998 correspondence submitted on your behalf by Raymond F. Hanbury, Jr., Ph.D., providing the Board with a quarterly report of your progress under the terms of the January 22, 1997 Reinstatement Order.

The Board has reviewed Dr. Hanbury's recommendations and has determined to release you from the requirement of practicing dentistry only under the supervision of another licensed dentist, who is physically present in the dental facility at all times. Effective immediately, you will be permitted to practice without the supervision of another licensed dentist. ALL other terms of the Reinstatement Order are to remain in effect.

A copy of this letter will be attached to the January 22, 1997 Reinstatement Order and will be considered to be public information.

Very truly yours,

Agnes M. Clarke
Executive Director

cc: R. Hanbury, Ph.D.

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-22-97 cm

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of	:	
	:	Administrative Action
DONALD A. DOBROWOLSKI, D.D.S.	:	
	:	REINSTATEMENT ORDER
Licensed to Practice Dentistry:	:	
in the State of New Jersey	:	

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon a petition by Michael E. Wilbert, Esq. on behalf of Donald A. Dobrowolski, D.D.S. (hereinafter "respondent") for reinstatement of respondent's license to practice dentistry in the State of New Jersey. In support of this petition and attesting to the rehabilitation of respondent, Mr. Wilbert submitted the following documents: 1.) October 14, 1996 report of Richard Lee Fort, M.D.; 2.) report of Raymond Hanbury, Jr., Ph.D.; 3.) October 2, 1996 report of Frederick Rotgers, staff clinician of the New Jersey Dental Association's ("N.J.D.A.") Chemical Dependency Program; and 4.) a number of letters from both sponsors and other supportive people in Alcoholics Anonymous and in the community. Additionally, the Board received an evaluation of respondent conducted on October 8, 1996 by Frank J. Dyer, Ph.D.

This petition for reinstatement arises out of respondent's voluntary surrender of his license to practice dentistry in the State of New Jersey pursuant to a Consent Order filed with the Board on August 3, 1995. As recited in said Consent Order, Barbara

S. McCrady, Ph.D., Professor and Director of the N.J.D.A. Chemical Dependency Program ("C.D.P.") reported that respondent was a chemically dependent dentist using psychoactive substances, and he had surrendered his dentistry license to her. The August 3, 1995 Consent Order accepted the voluntary surrender of respondent's license, and stated that if respondent wished to petition the Board for reinstatement of his licence, he must submit to a psychological and/or medical evaluation by a Board appointed consultant, and he must appear before the Board.

The Board having thoroughly reviewed and considered the entire record, and having determined that a personal appearance before the Board by respondent was not necessary; and it further appearing to the Board that, in the words of Dr. Dyer, the respondent "appears to be firmly established in a program of recovery", the Board has determined to enter a Reinstatement Order as follow:

IT IS ON THIS 22nd DAY OF January 1997,

HEREBY ORDERED AND AGREED THAT:

1. The license of Donald Dobrowolski, D.D.S. to practice dentistry in the State of New Jersey shall be and is hereby reinstated as of the entry date of the within Reinstatement Order so long as respondent complies with the following terms of the within Reinstatement Order.

2. Respondent may practice dentistry only under the direct supervision of a New Jersey licensed dentist. Direct supervision shall mean that the supervising dentist shall be physically present in the dental facility at all times while respondent is performing

dental procedures. Respondent shall inform the employing dentist of his prior drug addiction problem, and he shall provide to the employing dentist a copy of the within Order. Respondent shall provide to the Board the name and address of the employing dentist, and he shall cause the employing dentist to submit quarterly reports to the Board confirming that he or she has been advised of the respondent's prior addiction and providing an evaluation of his continuing competence and performance.

3. Respondent shall continue participation in the C.D.P. and shall comply with a monitoring program supervised by C.D.P. which shall include, at a minimum, the following conditions:

(a) Respondent shall have his urine monitored under the supervision of the C.D.P. on a random, unannounced basis, twice weekly. If at the end of six months from the entry date of the within Order, there are no positive tests and respondent has complied in all other respects with the terms of the within Order, respondent may have his urine monitored under the supervision of the C.D.P. on a random, unannounced basis, four times a month. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either from a volunteer or drug clinic staff as arranged and designed by the C.D.P. The initial drug screen shall utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The

C.D.P. shall be responsible to ensure that all urine samples are handled by a laboratory competent to provide these services.

(b) All test results shall be provided in the first instance directly to the C.D.P., and any positive result shall be reported immediately by the C.D.P. to Agnes Clarke, Executive Director or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guaranteed the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine sample within twenty-four hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Dr. Frederick Rotgers or Dr. Barbara McCrady of the C.D.P. Neither the volunteer nor drug clinic staff shall be authorized to consent to waive a urine test. In addition, respondent must provide the C.D.P. with written substantiation of his inability to appear within two days, e.g., a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine

sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The C.D.P. shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each such case. The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

(d) The C.D.P. shall provide quarterly reports to the Board in regard to its monitoring of respondent's program as outlined herein including, but not limited to, the urine testing and the attendance at support groups. The Program shall attach to its quarterly reports any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

(e) In the event that four days have passed and the C.D.P. has not called respondent to come in for urine monitoring, he shall call Agnes Clark or her designee by 5:00 p.m. of the fourth day to report that he has not been called for urine monitoring. Respondent then shall report within twenty-four hours or the close of the next business day to have his urine monitored at the University of Medicine and Dentistry of New Jersey, New Jersey Medical School, 185 South Orange Avenue, Room I 685, Newark, NJ, (201) 982-6690. At that time, respondent shall be prepared to pay in cash for the cost.

4. Respondent shall continue with his weekly therapy sessions with Raymond Hanbury, Jr., Ph.D., and shall continue his medication regimen and have his medication monitored at a frequency

as recommended by Richard Lee Fort, M.D. Respondent shall cause Dr. Hanbury and Dr. Fort to provide quarterly reports directly to the Board with respect to his attendance and progress in therapy.

5. Respondent shall continue with his same level of participation in the AA/NA groups.

6. Respondent shall not prescribe or dispense or administer controlled dangerous substances nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

7. Respondent shall provide appropriate releases to any and all parties who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

8. All costs associated with the monitoring program as outlined herein shall be paid directly by respondent.

9. Respondent shall not associate with individuals who are involved in substance abuse, nor shall he frequent places where substance abuse is occurring.

10. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that respondent has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

NEW JERSEY STATE
BOARD OF DENTISTRY

A handwritten signature in black ink, appearing to read 'Anthony Villane, Jr.', is written over a horizontal line.

Anthony Villane, Jr., D.D.S.
President